

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

NORMA JEAN ROGERS, )  
Plaintiff, )  
v. ) No. 1:12-cv-00112  
LIFE CARE CENTERS OF AMERICA, )  
Defendant. ) Collier/Lee

**MOTION FOR SUMMARY JUDGMENT**

Comes the Defendant, by counsel, pursuant to Rule 56, Federal Rules of Civil Procedure, and respectfully moves the Court for summary judgment in its favor on all of the Plaintiff's claims in this cause; specifically, her claim that the Defendant's termination of her employment was based on sex and pregnancy discrimination in violation of Title VII of the Civil Rights Act, 42 U.S.C. § 2000e, *et seq.*, and the Tennessee Human Rights Act, Tenn. Code Ann. § 4-21-101, *et seq.*; and her claim that the Defendant's termination of her employment was a violation of the Family and Medical Leave Act, 29 U.S.C. § 2601.

In support of its Motion, Defendant would show that the undisputed facts in the record reveal that Defendant terminated Plaintiff's employment for a legitimate, non-discriminatory and non-retaliatory reason. Plaintiff can produce no evidence to demonstrate that Defendant's stated reason for the termination of her employment was pretextual and that the real reason for the termination was discrimination or retaliation. As a result, there is no genuine dispute as to any material fact and Defendant is entitled to judgment as a matter of law.

In support of its Motion Defendant relies upon the following:

- (a) excerpts from the deposition of Norma Jean Rogers, attached hereto as Exhibit A pursuant to Rule 56(c), Federal Rules of Civil Procedure;
- (b) the Affidavit of Guy W. Crosson, CNHA, FACHCA, PHR, filed herewith pursuant to Rule 56(c), Federal Rules of Civil Procedure and Rule 7.1(a), Local Rules of the United States District Court for the Eastern District of Tennessee;
- (c) the Affidavit of Elizabeth Martin, RN, filed herewith pursuant to Rule 56(c), Federal Rules of Civil Procedure and Rule 7.1(a), Local Rules of the United States District Court for the Eastern District of Tennessee;
- (d) the Affidavit of Leandrea Payne, LPN, filed herewith pursuant to Rule 56(c), Federal Rules of Civil Procedure and Rule 7.1(a), Local Rules of the United States District Court for the Eastern District of Tennessee;
- (e) the Affidavit of Rebecca Finkle, BSW, filed herewith pursuant to Rule 56(c), Federal Rules of Civil Procedure and Rule 7.1(a), Local Rules of the United States District Court for the Eastern District of Tennessee;
- (f) Defendant's Brief in Support of Motion for Summary Judgment, filed herewith pursuant to Rule 7.1(a), Local Rules of the United States District Court for the Eastern District of Tennessee.

Respectfully submitted,

EVANS HARRISON HACKETT PLLC

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Counsel for Defendant Life Care  
Centers of America

**CERTIFICATE OF SERVICE**

The undersigned certifies that service of the foregoing Motion for Summary Judgment was made upon the following counsel of record for the Plaintiff, a Filing User, through the Court's Electronic Filing System:

Justin C. Angel  
Law Office of Howard L. Upchurch  
P.O. Box 381  
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This the 3rd day of June, 2013.

EVANS HARRISON HACKETT PLLC

By: s/John C. Harrison  
John C. Harrison

Counsel for Defendant Life Care  
Centers of America